

ALEX G. TSE (CABN 152348)
Acting United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

WILLIAM J. GULLOTTA (CTBN 423420)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
William.Gullotta@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALLACE LEE GILMORE,

Defendant.

)
) Case No. CR 18-0040 JST

)
) STIPULATION AND ~~PROPOSED~~ ORDER
) EXCLUDING TIME FROM MARCH 9, 2018,
) THROUGH APRIL 20, 2018

Plaintiff United States of America and defendant Wallace Lee Gilmore, by and through their
respective counsel of record, hereby stipulate as follows:

1. On February 23, 2018, the parties appeared before the Honorable Jon S. Tigar for the first
District Court appearance in this case. The parties reported to the Court that the government has
provided discovery in this case at that hearing. Therefore, the parties asked the Court to schedule a
second status conference on March 9, 2018, to provide the defense with time to review the discovery
and discuss the case going forward. The Court excluded time under the Speedy Trial Act through March
9, 2018. Dkt. # 13.

2. On March 9, 2018, the parties appeared before the Honorable Jon S. Tigar for the second
District Court appearance in this case. The defense reported that it continues to review the discovery in

STIPULATION AND ~~PROPOSED~~ ORDER
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1 this case, including multiple body camera videos, and the government reported that it provided a draft
2 (unapproved) plea offer to the defense at the hearing. The defense requires additional time to finish its
3 review of the discovery, to review the proposed plea offer, and to discuss the case with the defendant.
4 Therefore, the parties asked the Court to schedule a hearing on April 20, 2018. The Court agreed and set
5 a change of plea or motions/trial setting hearing to occur on April 20, 2018, at 9:30 a.m.

6 3. At the hearing on March 9, 2018, the parties jointly stipulated to exclude the time from
7 March 9, 2018, through April 20, 2018, from the time in which the defendant must be brought to trial
8 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* As mentioned above, the government
9 produced discovery in this case on February 23, 2018, and the defense needs time to complete its review
10 of the discovery and discuss proposed plea offer in this case. Therefore, the parties now agree in writing
11 that the time period from March 9, 2018, through April 20, 2018, inclusive, should be excluded pursuant
12 to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv) on the basis that the ends of justice served by the
13 continuance outweigh the best interests of the public and defendant in a speedy trial, and failing to
14 exclude this time would deny counsel the reasonable time necessary for effective preparation, taking
15 into account the exercise of due diligence.

16 IT IS SO STIPULATED.

17
18 Dated: March 9, 2018

ALEX G. TSE
Acting United States Attorney

19
20 /s/
21 WILLIAM J. GULLOTTA
22 Assistant United States Attorney

23 Dated: March 9, 2018

/s/
24 JOYCE LEAVITT
25 Attorney for Defendant Wallace Gilmore
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ORDER

Based upon the representations of counsel and for good cause shown, the Court finds that failing to exclude the time from March 9, 2018, through April 20, 2018, would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from March 9, 2018, through April 20, 2018, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, **IT IS HEREBY ORDERED** that the matter is set before this Court on April 20, 2018, at 9:30 a.m. for a status conference, and that the time from March 9, 2018, through April 20, 2018, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: March 13, 2018



THE HONORABLE JON M. TIGAR
United States District Judge